

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

BRIAN EDWARD DESKINS,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:14-CV-233-TAV-HBG
)	
CAROLYN W. COLVIN,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

This civil matter is before the Court on the Report and Recommendation (the “R&R”) entered by United States Magistrate Judge H. Bruce Guyton on November 8, 2016 [Doc. 29]. In the R&R, Magistrate Judge Guyton recommends that the Court grant plaintiff’s Motion for an Award of Attorney Fees Under 42 U.S.C. § 406(b) [Doc. 25] and that, upon receipt of \$27,816.00 in attorney’s fees, plaintiff’s counsel shall remit to plaintiff the \$4,617.00 in attorney’s fees previously received from the Commissioner pursuant to the Equal Access to Justice Act (“EAJA”) and this Court’s previous Order [Doc. 24]. There have been no timely objections to the R&R, and enough time has passed since the filing of the R&R to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

After reviewing the matter, the Court is in agreement with Magistrate Judge Guyton’s recommendations, which the Court adopts and incorporates into its ruling.

Accordingly, the Court **ACCEPTS IN WHOLE** the R&R [Doc. 29]. Plaintiff's Motion for an Award of Attorney Fees [Doc. 25] is **GRANTED**. It is **ORDERED** that attorney's fees in the amount of **\$27,816.00** be payable to plaintiff's counsel under 42 U.S.C. § 406(b) and that, upon receipt of these fees, plaintiff's counsel shall remit to plaintiff the \$4,617.00 in attorney's fees previously received from the Commissioner pursuant to the EAJA and this Court's prior Order [Doc. 24].

IT IS SO ORDERED.

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE